WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 03.4.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Habeas Corpus Petition No.13 of 2006

Thangam ... Petitioner

Vs.

1.The District Magistrate and
District Collector of
Tiruvannamalai District
Tiruvannamalai.

2.The State of Tamil Nadu,
rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records relating to the detention order dated 22.11.2005 passed by the first respondent herein in his office ref.D.O.No.56 of 2005-C2 quash the same and direct the respondents to produce the petitioner's husband Ambika, Son of Gopal Gounder, now confined in Central Prison, Vellore before this Court and and set him at liberty.

For Petitioner : Mr.P.Mani

For Respondents: Mr.Abudhukumar Rajarathinam
Govt. Advocate (Crl. Side)

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner, who is the wife of the detenu by name Ambika Son of Gopal Gounder, who was detained as a "Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 22.11.2005, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that though the detaining authority relied on the remand extension order dated 22.11.2005, Tamil version of the said order has not been furnished. Inasmuch as the detenu's known language is Tamil, in the absence of copy of the remand extension order in Tamil, the detenu was prejudiced in making effective representation.

4.In the light of the above contention, we verified the remand extension order dated 22.11.2005, which is available as a last document in the paper book. It is also seen that the detaining authority has relied on the said document while passing the order of detention. It is the specific case of the detenu that he knows only Tamil language. It is not in dispute that the remand extension order dated 22.11.2005 has not been translated and supplied to the detenu. In such circumstances, in view of the fact that the said order has been relied upon by the detaining authority, he ought to have furnished translated copy to the detenu, failure to same, vitiate the order of detention. On this ground, we quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

ga

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

To

1. The Secretary to the Government,
   State of Tamil Nadu,
   Prohibition and Excise Department,
   Fort St. George, Chennai-600 009.

2. The District Magistrate and
   District Collector of
   Tiruvannamalai District,
   Tiruvannamalai.

3. The Superintendent, Central Prison, Vellore
   (In duplicate for communication to detenu)

4. The Joint Secretary to Government,
   Public (Law and Order)
   Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

RL (CO)
km/13.4.

HCP. No.13 of 2006

https://hcservices.ecourts.gov.in/hcservices/